

Exhibit 1

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EXECUTIVE SECRETARY

March 18, 2003

VIA HAND DELIVERY

Ms. Louise E. Rickard
Acting Executive Secretary
Department of Public Utility Control
Ten Franklin Square
New Britain, Connecticut 06051

Re Docket No. 03-01-02; Petition of Gemini Networks CT, Inc. for a Declaratory
 Ruling Regarding The Southern New England Telephone Company's Unbundled
 Network Elements

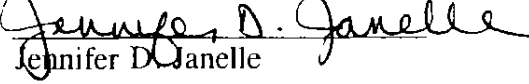
Dear Ms. Rickard:

Enclosed for filing on behalf of Gemini Networks CT, Inc. ("Gemini") please find an original and seven (7) copies of Gemini's Request for Administrative Notice and Motion to Lift Protective Orders.

If you have any questions with respect to this filing, please contact the undersigned.

Respectfully submitted,

GEMINI NETWORKS CT, INC.

By 
Jennifer D. Janelle
Dwight A. Johnson
Its Attorney

c- Service List

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B O S T O N H A R T F O R D N E W H A V E N

STATE OF CONNECTICUT

DEPARTMENT OF PUBLIC UTILITY CONTROL

| | | |
|---------------------------------|---|---------------------|
| PETITION OF GEMINI NETWORKS CT, | : | DOCKET NO. 03-01-02 |
| INC FOR A DECLARATORY RULING | . | |
| REGARDING THE SOUTHERN NEW | . | |
| ENGLAND TELEPHONE COMPANY'S | . | |
| UNBUNDLED NETWORK ELEMENTS | . | MARCH 18, 2003 |

REQUEST FOR ADMINISTRATIVE NOTICE AND
MOTION TO LIFT PROTECTIVE ORDERS

Gemini Networks CT, Inc. ("Gemini") herein requests that the Department of Public Utility Control ("Department") take administrative notice of certain materials from prior proceedings that will aid the Department in its determination in this proceeding. Gemini additionally requests that the Department lift the protective orders previously granted in the dockets in which Gemini is seeking administrative notice in order that Gemini and other parties to this proceeding, including the Office of Consumer Counsel and the Attorney General, may review the materials and thus better prepare for hearings and further proceedings in this matter.

In Interrogatory TE-3 directed to The Southern New England Telephone Company ("SNET"), the Department directed SNET to provide all testimony proffered by SNET witnesses describing the HFC network and its use in the provisioning of telecommunications services in Connecticut in the following dockets:

1. Docket No. 94-10-03, DPUC Investigation into The Southern New England Telephone Company's Infrastructure Depreciation;
2. Docket No. 95-03-01, Application of The Southern New England Telephone Company for Financial Review and Proposed Framework for Alternative Regulation,

- 3 Docket No 96-01-24, Application of SNET Personal Vision, Inc for a Certificate of Public Convenience and Necessity to Provide Community Antenna Television Service; and
- 4 Docket No 00-08-14, Application of Southern New England Telecommunications Corporation and SNET Personal Vision, Inc to Relinquish SNET Personal Vision, Inc 's Certificate of Public Convenience and Necessity.

SNET declined to provide the requested information to the Department and instead requested that the Department take administrative notice of only the Decision in Docket No 00-08-14, Application of Southern New England Telecommunications Corporation and SNET Personal Vision, Inc to Relinquish SNET Personal Vision, Inc.'s Certificate of Public Convenience and Necessity dated March 14, 2001. SNET argues that the "Decision contained the necessary information for the Department to review any issue regarding the Telco's actual use of the HFC network."

Gemini submits that administrative notice of only the Decision in Docket No 00-08-14 is insufficient for the Department to make its determination in this proceeding. Nothing in the Decision in Docket No 00-08-14 addresses the crucial issue in this proceeding of whether the network is a telecommunications network and is capable of being used as such.

SNET has argued that the network is not being used and was not used for telecommunications, and that the capability of the network is irrelevant.¹ Although this

¹ Gemini disputes any assertion that the network was never used for telecommunications. On information and belief, portions of the network were used for telecommunications at some point in time. Such use formed the basis of SNET's abandonment claim. See generally, Docket No. 00-08-14. Nonetheless, the legal standard is not whether the network is being used or was ever used, but rather whether the network is capable of being used. See Gemini's Objection to SNET's Motion to Dismiss, January 30, 2003 at 6-7 citing AT&T Communs. of Virginia v. Bell Atlantic-Virginia, 197 F.3d 663, 672 (1999), MCI Telecommuns. Corp. v. BellSouth Telecomms, Inc., 40 F. Supp. 2d 416, 425 (E.D. Ky. 1999); MCI Telecommuns. Corp. v. Michigan Bell Tel. Co., 79 F. Supp. 2d 768 (E.D. Mich. 1999), MCI Telecommuns. Corp. v. BellSouth Telecommuns., Inc., 7 F. Supp. 2d 674 (E.D. N.C. 1988).

issue is not yet before the Department, SNET seeks to preempt disclosure of information concerning the network's capability before the Department has addressed the legal issue. In order to determine the capability of the network, the Department must look to all of the evidence in the dockets that it requested. Therefore, to the extent that the Department does not compel SNET to provide the requested information, Gemini requests that the Department take administrative notice of all materials filed in those dockets

In anticipation of a ruling on this issue, Gemini has attempted to compile SNET's testimony concerning the HFC network in those four dockets from the public files of the Department. In doing so, Gemini has discovered that much of the relevant information was filed pursuant to a protective order that remains in force today. Gemini respectfully requests that the Department lift the protective order on all evidence and testimony concerning the HFC network in those four proceedings and order SNET to immediately file public versions of such documents.

During the proceedings in question, SNET sought protection for much of the material concerning the HFC network on the grounds that such material constituted commercially valuable material and was a trade secret. However, much has happened since the time that SNET's protective orders were granted. Since closure of Docket No. 00-08-14, SNET has wholly abandoned the network and, in fact, has stated that it "has no future use for the decommissioned HFC Network" except for a few strands of fiber. SNET Response to GEM-7.

Connecticut General Statutes Section 1-210(b)(5) defines "trade secrets" as:

information, including formulas, patterns, compilations, programs, devices, methods, techniques, processes, drawings, cost data, or

customer lists that (i) derive independent economic value, actual or potential, from not being generally known to, and not being readily ascertainable by proper means by, others persons who can obtain economic value from its disclosure or use, and (ii) are the subject of efforts that are reasonable under the circumstances to maintain secrecy.
(Emphasis added)

As SNET admittedly is not deriving any economic value from the HFC network, has no plans to do so in the future and has wholly abandoned the network, there is no reason to continue to protect any material or evidence concerning the HFC network as a commercially valuable trade secret.²

Gemini believes that access to this material will provide it with many of the answers that it has sought from SNET concerning the location and construction of the HFC network. Such information will better help Gemini determine its own uses and configurations of the HFC network and will aid the Department and other parties in making a determination in this proceeding

WHEREFORE, Gemini respectfully requests that the Department (1) take administrative notice of the materials in the docket files related to the HFC network in Docket Nos. 94-10-03, 95-03-01, 96-01-24 and 00-0-14; (2) lift any and all protective orders related to such materials, and (3) order SNET to immediately provide public versions of all such materials

² Gemini's request herein to lift the protective order includes the I-SNET Technology Plan, a copy of the public version of which was filed as an attachment to TE-4 in this proceeding

Respectfully submitted,

GEMINI NETWORKS CT, INC.

By Jennifer D. Janelle
Jennifer D. Janelle
Dwight A. Johnson

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CityPlace I, 185 Asylum Street
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(860) 240-6000
Its Attorneys

Exhibit 2



STATE OF CONNECTICUT

DEPARTMENT OF PUBLIC UTILITY CONTROL

March 27, 2003

In reply, please refer to
Docket No. 03-01-02 ADJ smb
Motion No 10

Jennifer D. Janelle, Esquire
Murtha Cullina LLP
City Place 1
185 Asylum Street
Hartford, CT 06103-3469

Peggy Garber, Esquire
General Counsel
The Southern New England Telephone Company
310 Orange Street
New Haven, CT 06510

Re Docket No 03-01-02, Petition of Gemini Networks CT, Inc. for a Declaratory Ruling Regarding The Southern New England Telephone Company's Unbundled Network Elements

Dear Mmes Janelle and Garber.

The Department of Public Utility Control (Department) acknowledges receipt of Gemini Networks CT, Inc (Gemini) March 18, 2003 request to take administrative notice of certain materials from prior proceedings. Gemini also requests that the Department lift the protective orders previously granted in those dockets in which Gemini is seeking administrative notice of those materials (Motion No. 10) The Department is also in receipt of the Telco's March 21, 2003 response opposing that request (Telco Response)

The Department has reviewed Motion No 10 and the Telco Response and has determined that Gemini's requests possess merit. Accordingly, the Department will grant Gemini's requests and will also require that any materials needing protection will be covered by the protective order previously approved in this proceeding.

Sincerely,

DEPARTMENT OF PUBLIC UTILITY CONTROL

A handwritten signature in cursive script that reads "Louise E. Rickard for.".

Louise E Rickard
Acting Executive Secretary

cc Service List